

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**3:08MD1932-MU**

**IN RE FAMILY DOLLAR FLSA  
LITIGATION**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  

---

**ORDER**

This matter is before the Court on “Plaintiffs’ Motion to Modify Initial Scheduling Order” filed October 7, 2008 (Doc. No. 85); “Defendants’ Response to Plaintiffs’ Motion to Modify Initial Scheduling Order” filed October 22, 2008 (Doc. No. 90); and Plaintiffs’ “Reply Memorandum in Support of Plaintiffs’ Motion to Modify Initial Scheduling Order” filed March 10, 2009 (Doc. No. 110).

Plaintiffs’ request that paragraph 19 of the Initial Scheduling Order (Doc. No. 66) which addresses Electronic Stored Information be modified to impose a duty on Defendants’ to retain employment documents for all store managers in Ohio and Pennsylvania. The current version of paragraph 19, which the Court notes, was agreed upon by both the Plaintiffs and the Defendants imposes a duty upon the Defendants to maintain, to the extent feasible, documents specified for all named Plaintiffs, Plaintiffs who intervene, and putative Opt-In Plaintiffs (who have filed, or do file,

Opt-In forms). The Court appreciates that the parties were able to agree upon this language, however, the Court declines Plaintiffs' request to modify such language.

**IT IS, THEREFORE ORDERED** that: Plaintiffs' Motion to Modify Initial Scheduling is denied.

**SO ORDERED.**

Signed: March 16, 2009



Graham C. Mullen  
United States District Judge

